

REMARKS

The above-identified application is United States application serial number 09/721,012 filed on November 21, 2001. Claims 1-62 are pending in the application.

Claims 35-49 and 51-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Wynblatt et al. (6,018,710). Claims 1-34 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrift et al. (6,188,985) in view of Wynblatt.

Rejection of Claims Under 35 USC §102

Claim 35 requires "a communication interface operable to receive data from at least one of the network servers; and an adaptive personalization module operable to monitor the user input during one or more previous sessions with the browser device, and to determine the order for presenting the data based on user input during previous browser sessions with the browser device."

Claim 43 requires "a communication interface operable to receive data from at least one of the network servers; and an adaptive personalization module operable to monitor the user input during one or more previous sessions with the browser device, and to determine the order for presenting the data based on user input during previous browser sessions".

The abstract; col. 5 lines 27-48; col. 6 lines 5-14 and lines 40-55 of the Wynblatt reference do not disclose determining the order for presenting the data based on user input during previous browser sessions as set forth in Claims 35 and 43. Wynblatt merely discloses a traditional WWW browser history list that consists of the Universal Resource Locators (URLs) of previously viewed documents. (Wynblatt col. 5 lines 41-43). The history list disclosed in Wynblatt is created and maintained by the WIRE device (col. 5 lines 41-43), and therefore the history list is not "data" that is received from at least one of the network servers, as set forth in Claims 35 and 43.

Further, information in a browser history list is presented in order of past appearance; the order is not determined by the user's input during previous browser sessions. There is no

need to determine the order in which to present information in a browser history list because the order never changes from chronological order.

The favorites list disclosed in Wynblatt allows the user to edit a structured document offline that contains a list of favorites. The favorites document can be downloaded to a web-server from which the WIRE system can download the document at start-up time. (Wynblatt col. 6, lines 1-14). The Wynblatt device does not "determine the order for presenting the data based on user input during previous browser sessions" because the order is predetermined offline by the user. Further, the favorites list is downloaded automatically at start-up time and therefore is not data that is received in response to a request from a user.

Wynblatt also discloses the ability to progressively refine a search for documents by making selections from a series of subcategory lists. (Wynblatt, col. 6, lines 40-55). The search feature of the Wynblatt device does not "determine the order for presenting the data based on user input during previous browser sessions" as set forth in Claims 35 and 43 because the subcategory lists in the Wynblatt device are presented based on user input during the current browser session, not previous browser sessions.

Claims 35 and 43 are therefore distinguishable from Wynblatt for at least the foregoing reasons. Claims 36-42 and 44-49 depend from Claims 35 and 43, respectively, and include additional features that further distinguish them from the cited reference.

In particular, Claims 42, 49, and 58 include "converting the responsive information from an audio format to a text format, and the representation includes the frequency with which each word occurs in each piece of content". An example of a process for creating representations of the responsive information is provided at least on page 18 of the specification. The portions of Wynblatt cited to reject claims 42, 49, and 58 include col. 5, lines 27-48 and col. 6, lines 5-14 and 40-55, which pertain to the history list, a favorites list, and progressive refinement style search based on categories, as distinguished above. Wynblatt does not disclose or suggest a representation of the responsive information that includes the frequency with which each word occurs in each piece of content, as set forth in Claim 42, 49, and 58.

KOESTNER BERTANI LLP
18652 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0260
FAX (949) 251-0260

Additionally, Claims 39, 47, and 56 include "wherein adaptively determining the order for presenting the responsive information includes generating a representation of each piece of content in the responsive information, and the order of presentation of the responsive information is determined based on the user's model and the representation". An example of a user's model is described at least on page 10 of the specification. An example of a process for creating representations of the responsive information is provided at least on page 18 of the specification. The portions of Wynblatt cited to reject these claims include col. 5 lines 27-48 and col. 6, lines 5-14 and 40-55, which pertain to the history list, a favorites list, and progressive refinement style search based on categories, as distinguished above. Wynblatt therefore does not disclose or suggest a representation of each piece of content in the responsive information, and the order of presentation of the responsive information being determined based on the user's model and the representation, as set forth in Claim 39, 47, and 56.

Further, Claim 40 includes an adaptive personalization module that is operable to generate and modify a user's playlist based on actions taken while the user was receiving information in a particular category. An example of adaptively modifying a playlist is provided at least on pages 10 through 12, and pages 15 through 17 of the specification. The portions of Wynblatt cited to reject these claims include col. 5 lines 27-48 and col. 6, lines 5-14 and 40-55, which pertain to the history list, a favorites list, and progressive refinement style search based on categories, as distinguished above. Wynblatt does not disclose or suggest generating or modifying a user's playlist based on actions taken while the user was receiving information in a particular category as set forth in Claim 40.

For at least the foregoing reasons, allowance of Claims 35 through 49 is respectfully requested.

Claims 51 through 62 were also rejected under 35 U.S.C. § 102 as being anticipated by the Wynblatt reference. Claims 51 through 62 have been amended to depend from Claim 50 instead of Claim 49, however, thereby obviating rejection of these claims under 35 U.S.C. § 102.

KOESTNER BERTANI LLP
18660 MACARTHUR BLVD
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0230
FAX (949) 251-0260

Rejection of Claims Under 35 USC §103

Claim 1 includes "an adaptive personalization module operable to monitor the user input during one or more previous sessions with the browser system, and to determine the order for presenting the requested information based on previous user input".

Claim 18 includes "an adaptive personalization module operable to monitor the user input during one or more previous sessions with the browser device, and to determine the order for presenting the requested information based on previous user input".

Claim 50 includes "adaptively determining the order for presenting the responsive information based on user input during one or more previous sessions with the mobile audio device".

Applicant respectfully traverses the rejection of the features in Claims 1, 18, and 50 under 35 U.S.C. § 103 over Thrift in view of Wynblatt on pages 7, 8, and 12, respectively, of the Office Action. The abstract, col. 5 lines 27-48, and col. 6 lines 40-55 of the Wynblatt reference do not disclose determining the order for presenting the requested/responsive information based on previous user input as set forth in Claims 1, 18, and 50. Wynblatt merely discloses a traditional WWW browser history list that consists of the Universal Resource Locators (URLs) of previously viewed documents. The history list disclosed in Wynblatt is maintained by the WIRE device (col. 5 lines 41-43), and therefore the history list is not "responsive information" that is received from a network server, as set forth in Claims 1, 18, and 50.

Further, information in a browser history list is presented in order of past appearance; the order is not determined by the user's input during previous browser sessions. There is no need to determine the order in which to present information in a browser history list because the order never changes from chronological order.

KOESTNER BERTANI LLP
16062 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0250
FAX (949) 251-0260

The favorites list disclosed in Wynblatt allows the user to edit a structured document offline that contains a list of favorites and download the document to a web-server from which the WIRE system can download the document at start-up time. (Wynblatt col. 6, lines 1-14). The Wynblatt device does not "determine the order for presenting the responsive information based on user input during previous browser sessions" because the order is predetermined offline by the user. Further, the favorites list is downloaded automatically by the WIRE system at start-up time and therefore is not data that is received in response to a request from a user.

Wynblatt also discloses the ability to progressively refine a search for documents by making selections from a series of subcategory lists. (Wynblatt, col. 6, lines 40-55). The Wynblatt device does not "determine the order for presenting the data based on user input during previous browser sessions" as set forth in Claims 35 and 43 because the subcategory lists in the Wynblatt device are presented based on user navigation input during the current browser session, not previous browser sessions.

Claims 1, 18, and 50 are therefore distinguishable from Thrift and Wynblatt, both alone and in combination, for at least the foregoing reasons. Claims 2-17, 19-34, and 51-62 as amended, depend from Claims 1, 18, and 50, respectively, and include additional features that further distinguish them from the cited references.

In particular, Claims 3 and 21 include an adaptive personalization module operable to update a user's model based on whether the user input a command to skip playback of the requested information. Claims 4 and 22 include an adaptive personalization module operable to update a user's model based on whether the user input a command to fast-forward or rewind playback of the requested information. The portions of Wynblatt cited to reject these claims include col. 5 lines 27-48 and col. 6, lines 5-14 and 40-55, which pertain to the history list, a favorites list, and progressive refinement style search based on categories. The Examiner states that it would have been obvious to modify Thrift by specifying that the user can scan forward and backward, and skip playback through their history list in order to view web pages in a timely and efficient manner.

KOSTNER BERTANI LLP
16602 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0250
FAX (949) 251-0260

Applicant respectfully traverses this rejection of Claims 3, 4, 21, and 22. Wynblatt discloses a page forward and page reverse feature for the history list. (Wynblatt col. 5 lines 41-48). Wynblatt also discloses a scan forward and scan reverse feature for navigating through a document. (Wynblatt col. 5 lines 27-40). Wynblatt further discloses a progressive refinement search feature for navigating through a favorites list. (Wynblatt col. 6 lines 40-55). Wynblatt does not, however, disclose modifying a user's model, an example of which is taught at least on pages 10 through 12, and pages 15 through 17 of the specification. The closest feature to a user model that is disclosed by Wynblatt is a document containing the favorites list. (Wynblatt col. 6 lines 1-14). The document containing the favorites list is not modified based on the user navigating through the list, and therefore does not anticipate the features set forth in Claims 3, 4, 21, and 22.

Claims 5 and 23 include an adaptive personalization module operable to update a user's model based on whether the user requested more detail on the requested information. The portions of Wynblatt cited to reject these claims include col. 5 lines 27-48 and col. 6, lines 5-14 and 40-55, which pertain to the history list, a favorites list, and progressive refinement style search based on categories, as distinguished hereinabove. The Examiner states that it would have been obvious to modify Thrift by specifying that the user can scan forward and backward through their history list in order to view web pages in a timely and efficient manner.

Applicant respectfully traverses this rejection of Claims 5 and 23. Wynblatt discloses a page forward and page reverse feature for the history list. (Wynblatt col. 5 lines 41-48). Wynblatt also discloses a scan forward and scan reverse feature for navigating through a document. (Wynblatt col. 5 lines 27-40). Wynblatt further discloses a progressive refinement search feature for navigating through a favorites list. (Wynblatt col. 6 lines 40-55). Wynblatt does not, however, disclose updating a user's model, an example of which is taught at least on pages 10 through 12, and pages 15 through 17 of the specification. The closest feature to a user model that is disclosed by Wynblatt is a document containing the favorites list. (Wynblatt col. 6 lines 1-14). The document containing the favorites list is not modified based

KOESTNER_BERTANI_LL.P
18662 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0250
FAX (949) 251-0260

on the user requesting more detail on the requested information, and therefore does not anticipate the features set forth in Claims 5 and 23.

Claims 6 and 24 include generating a representation of each piece of content in the requested information, and the order of presentation of the requested information is determined based on the user's model and the representation. An example of a user's model is described at least on page 10 of the specification. An example of a process for creating representations of the responsive information is provided at least on page 18 of the specification. The portions of Wynblatt cited to reject these claims include col. 5 lines 27-48 and col. 6, lines 5-14 and 40-55, which pertain to the history list, a favorites list, and progressive refinement style search based on categories, as distinguished above. Wynblatt therefore does not disclose or suggest a representation of each piece of content in the responsive information, and the order of presentation of the responsive information being determined based on the user's model and the representation, as set forth in Claims 6 and 24.

Claims 7 and 27 include determining whether the requested information is redundant compared to information presented during a previous session. The portions of Wynblatt cited to reject these claims include col. 5 lines 27-48 and col. 6, lines 5-14 and 40-55, which pertain to the history list, a favorites list, and progressive refinement style search based on categories, as distinguished above. Applicant failed to find any teaching or suggestion in Wynblatt that included determining whether the requested information is redundant compared to information presented during a previous session, as set forth in Claims 7 and 27. Applicant would appreciate a more specific explanation or cite to the Wynblatt reference with regard to the rejection of this feature in Claims 7 and 27.

Claims 8 and 28 include determining whether the requested information is redundant compared to one or more other pieces of content in the requested information. The portions of Wynblatt cited to reject these claims include col. 5 lines 27-48 and col. 6, lines 5-14 and 40-55, which pertain to the history list, a favorites list, and progressive refinement style search based on categories, as distinguished above. Applicant failed to find any teaching or suggestion in Wynblatt that included determining whether the requested information is redundant compared to one or more other pieces of content in the requested information, as

KOESTNER BERTANI LLP
18662 MACARTHUR BLVD
SUITE 400
IRVINE, CA 92612
TEL: (949) 251-0350
FAX: (949) 251-0260

set forth in Claims 8 and 28. Applicant would appreciate a more specific explanation or cite to the Wynblatt reference with regard to the rejection of this feature in Claims 8 and 28.

For at least the foregoing reasons, allowance of Claims 1-34, and 50-62 is respectfully requested.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant believes Claims 1-62 are in form for allowance and a notice to that effect is solicited. No new matter has been added. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted in the USPTO, Central Number in (703) 872-0306 on the date shown below

(Signature)

Mary Jo Bertani
(Printed Name of Person Signing Certificate)

May 10, 2004
(Date)

Respectfully submitted,

Mary Jo Bertani
Attorney for Applicant(s)
Reg. No. 42,321

KOESTNER BERTANI LLP
14661 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0250
FAX (949) 251-0260